

76-10-107.5 Abuse of nitrous oxide -- Penalty.

- (1) As used in this section, "nitrous oxide" means:
 - (a) N₂O, a colorless gas or liquid that is also referred to as dinitrogen monoxide, nitrogen oxide, or laughing gas; and
 - (b) any substance containing nitrous oxide.
- (2) A person is guilty of abuse of nitrous oxide who:
 - (a) possesses nitrous oxide with the intent to breathe, inhale, or ingest it for the purpose of:
 - (i) causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses;
 - (ii) in any manner changing, distorting, or disturbing the audio, visual, or mental processes;
 - (b) knowingly and intentionally is under the influence of nitrous oxide; or
 - (c) offers, sells, or provides nitrous oxide to another person, knowing that other person or a third party intends to possess or use the nitrous oxide in violation of Subsection (2)(a) or (b).
- (3) Subsection (2)(b) does not apply to any person who is under the influence of nitrous oxide pursuant to an administration for the purpose of medical, surgical, or dental care by a person holding a license under state law that authorizes the administration of nitrous oxide.
- (4) Subsection (2)(c) does not apply to any person who administers nitrous oxide for the purpose of medical, surgical, or dental care and who holds a license under state law that authorizes the administration of nitrous oxide.
- (5) A violation of this section is a class A misdemeanor.

Enacted by Chapter 23, 2002 General Session